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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,553	01/07/2002	Travis J. Parry	10007792-1	2449

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EXAMINER

LIU, JONATHAN

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,553

Applicant(s)

PARRY, TRAVIS J.

Examiner

Jonathan Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/7/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's paper filed 1/19/2006. Claims 1-20 as amended are currently pending in the application. Applicant has amended claims 1, 10, and 15. Claims 1-20 stand rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-12, and 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US Pub No. 2002/0007407.)

3. As per claim 1 and 10, Klein disclosed a method for selecting a connection protocol to establish a wireless communication between a computer and a local area network (**Klein teaches the method for establishing a wireless communication between a computer and a local area network. See sec [0007], sec [0037]. Klein also teaches selecting the profile for communication and the profile includes the communication protocol information. See sec [0045].**)

receiving at least one signal; determining whether said at least one signal is being broadcast by a wireless port of the local area network; **(the remote unit 15 receives the signals. See sec [0032]. Klein teaches the connection between one**

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or multiple links between WLANs and remote unit 15. Hence, the signals has been determined if the WLAN exists for connection. See sec [0042].)

if said at least one signal is being broadcast by a wireless port of the local area network, initiating a connection protocol that is compatible with said wireless port (**Klein teaches the future attempts at WLAN network association are made in priority order. The priority orders are based on the profile and profile includes the connection protocol for each WLAN networking. See sec [0045].)**

Klein does not specifically teach determine a connection protocol type of at least one wireless port. However, Klein teaches profiles may be created by the user reflecting different WLAN connections. If attempts associating with network fail, a different profile is loaded onto the terminal and an attempt at a connection to and association with the network is made. The configuration profiles could enable portable terminals to operate over different WLANs (See sec [0045].) Klein also teaches a network is only one embodiment of his invention, and Klein further teaches the system could be on the port basis (See sec [0028].) In addition, Kelin teach various other types of remote terminals can be employed in the network environment, including data entry facilities such as keyboards and the like, as well as a display or a printer for indicating to a user information detected, transmitted and /or received by the terminal (See sec [0028].) Therefore, it would have been obvious to one who has ordinary skill in the art at the time the invention was made to determine a connection protocol type of a wireless port because Klein teaches the invention could be implemented on the port basis (see sec [0028].)

4. As per claims 2 and 11-12, Klein teaches receiving signals broadcast by a plurality of wireless ports of the local area network; and selecting one of said signals. In addition, Klein teaches determining that a plurality of received signals is being broadcast by wireless ports of the local area network. (**See sec [0042].**)

5. As per claims 3, Klein teaches evaluating said signal comprises evaluating said selected signal (**See sec [0066].**)

6. As per claim 5, Klein teaches attempting to establish a connection between the computer and said at least one wireless port by way of said connection protocol (**See sec [0045].**)

7. As per claim 6, Klein teaches providing the local area network with at least one security identifier upon completion of said establishing said connection (**Klein teaches providing the local area network with the security identifier ESSID. After the completion of establishing connection, the connection between remote unite and server are established and the security identification are sent with profile to WLAN system. See sec [0010], sec [0045].**)

8. As per claims 7 and 14, Klein teaches other wireless port of the local area network (**Klein teaches varieties of mobile unit, such as printer, computer, or display. See sec [0028].**) Klein also teaches receiving, evaluating signal and initiating a connection protocol, that has been taught in claim rejection 1 in this office action.

Klein also teaches the following limitation:

Attempting to establish a connection between the computer and said another wireless port by way of said connection protocol when said attempting to establish said

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connection between the computer and said at least one wireless port is not completed **(See sec [0042].)**, and by selected signal is being broadcast **(Klein teaches if the connection fails, selecting next highest priority, which would be different protocol. See sec [0036], sec [0042], and sec [0066].)**

9. As per claim 8, Klein teaches receiving another signals comprises moving the computer to another location **(Klein teaches roaming system, which is moving the mobile unit from one local network to other. See sec [0004].)**

10. As per claim 9, selecting another local area network with which to connect the computer when said connection between the computer and said at least one wireless port is not established using said connection protocol **(See sec [0045].)**

11. As per claim 15, Klein disclosed a workstation configured to select a connection protocol for establishing wireless communication with a local area network **(See Fig. 1, Klein.)** comprising:

at least one processor; **(220, Fig. 2, Klein.)**

at least one wireless network access device in communication with said at least one processor; **(225, Fig. 2, Klein.)**

at least one storage medium configured to communicate with said at least one processor **(221, Fig. 2, Klein.)** said at least one storage medium comprising instructions stored in data format **(See sec [0038], Klein)** for:

causing said at least one wireless network access device to receive at least one signal being broadcast by a wireless port of the local area network and to communicate said at least one signal to said at least one processor in a format recognizable by said

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at least one processor (**acknowledge packet could be interpreted as broadcasting by a wireless port of the local area network. See Fig. 3 and 4, sec [0032], sec [0034]-[0036], sec [0038], and sec [0042], Klein.**)

enabling said at least one processor to evaluate said at least one signal to identify a type of wireless network from which said at least one signal was broadcast (**See sec [0028], sec [0034], Klein.**); and

instructing said at least one processor to select a connection protocol appropriate for establishing communication with said wireless port based on a connection type thereof (**Klein teaches exchanging protocol for transmitting and receiving in order to connection with WLAN system devices. See sec [0032], and sec [0069], Klein.**)

Klein does not specifically teach identify a connection protocol type of wireless port. However, this limitation is similar to claim 1 and 10. Therefore, the same rationale and basis as applied to claims 1 and 10 are applied to the remainder of claim 15.

12. As per claim 16, Klein teaches the instructions cause said at least one processor to instruct said at least one wireless network access device to initiate said connection protocol (**See sec [0034], sec [0069], Klein.**); and

if communication is established between said at least one wireless network access device and said wireless port, causing said at least one processor to communicate at least one security identifier to the local area network (**See sec [0045], Klein.**)

13. As per claim 17, Klein teaches instructions cause said at least one processor to automatically communicate said at least one security identifier to the local area network **(See sec [0045], Klein.)**

14. As per claim 18, Klein teaches instructions cause said at least one processor to query a user to enter said at least one security identifier through an input device of the workstation prior to causing said at least one processor to communicate said at least one security identifier to the local area network **(Klein teaches the security identifier ESSID is created prior communication with local area network. See Fig. 6 and sec [0045].)**

15. As per claims 19-20, Klein teaches enabling said at least one processor to identify at least one signal that was broadcast by a wireless port of the local area network from a plurality of signals receives by said at least one wireless network access device and causing said at least one processor to select a single signal from a plurality of signal that were broadcast by wireless ports of the local area network **(Klein teaches the instruction could automatically find the correct WLAN to establish the connection from the plurality of WLANs. If the connection fails, the next proper WLAN would be selected. See sec [0066], Klein.)**

16. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (US Pub No. 2002/0007407.), in view of Pinard et al. (US Pat. No. 6,582,700.)

17. As per claims 4 and 13, Klein teaches selecting one of signals based on priority **(See sec [0042], Klein.)**. Klein does not teach selecting by one of a strength or clarity. However, Pinard et al. teaches selects the signal by the strength of the priority **(See col**

6, lines 31-35, Pinard et al.) Since Pinard et al. teach the system is selecting a access point through WLAN system (**See col 4, lines 26-38, and col 6, lines 31-35, Pinard et al.**), it would have been obvious for one who have ordinary skill in the art at the time the invention was made to select one of signals based on the strength based on the structure of Klein, in view of Pinard et al. because Pinard et al. and Klein both teach selecting the network signals in the WLAN system (**See col 4, lines 26-38, and col 6, lines 31-35, Pinard et al. See sec [0042], Klein.**)

Response to Arguments

18. Applicant's arguments filed 1/19/2006 have been fully considered but they are not persuasive. In the remarks, applicant asserts that Klein does not describe the element of claimed invention regarding to independent claims 1, 10, and 15 is determining a connection protocol type of a wireless port. However, Klein teaches profiles may be created by the user reflecting different WLAN connections. If attempts associating with network fail, a different profile is loaded onto the terminal and an attempt at a connection to and association with the network is made. The configuration profiles could enable portable terminals to operate over different WLANs (See sec [0045].) Klein also teaches a network is only one embodiment of his invention, and Klein further teaches the system could be on the port basis (See sec [0028].) In addition, Klein teach various other types of remote terminals can be employed in the network environment, including data entry facilities such as keyboards and the like, as well as a display or a printer for indicating to a user information detected, transmitted and /or received by the terminal(See sec [0028].)

In view of the above mentioned discussion, Examiner believes that the claims amended with the feature of a connection protocol type of said wireless port" would be obvious in view of Klein reference. Therefore, Claims 1, 10, and 15 stand rejected.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou

3/06/2006


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER